



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,836	05/24/2001	Hideyuki Ishikawa	SHC0127	4999

832 7590 07/10/2002

BAKER & DANIELS
111 E. WAYNE STREET
SUITE 800
FORT WAYNE, IN 46802

EXAMINER

REICHLE, KARIN M

ART UNIT	PAPER NUMBER
----------	--------------

3761

DATE MAILED: 07/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864836

Applicant(s)

Ishikawa

Examiner

Reiche

Group Art Unit

3761

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 5-24-01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-7 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-7 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☒ The drawing(s) filed on 5-24-01 is/are objected to by the Examiner.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2 ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

Art Unit: 3761

1. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: page 5, lines 5-12.
2. The drawings are objected to because in Figure 6, the upper end region is denoted both 51 and 52. Also 40A 40B are reversed. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The disclosure is objected to because of the following informalities: in the embodiment of Figures 6-7, the number of layers described and shown in Figure 6, i.e. 40A, 40b, and those shown in Figure 7, i.e. 40a, 40b, and those shown in Figure 7, layers are inconsistent. What are all the layers in Figure 7.
4. The amendment filed May 24, 2001 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the second paragraph on page 3. Where is the support for there being more than one process of making the invention?

Applicant is required to cancel the new matter in the reply to this Office Action.

Appropriate correction is required.

Art Unit: 3761

5. Claims 2-6 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Where is the support for “;comprises”, “comprises... one of “,” made of at least one of”, “further includes” “further comprises”, resp? Note 35 USC 112 second paragraph rejection infra.

6. Claims 1-7 are objected to because of the following informalities: in claim 1, line 6, “,” should be --; --. Appropriate correction is required.

In claim 1, line 6, after “sheet”, -- to -- should be inserted.

7. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language “comprises” “,” comprises at least one”, “made of at least one”, “further includes” and “further comprises” in claims 2-6 appear to be inconsistent with “consisting of ... first layer and ... second layer” in claim 1.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Clear et al.

Art Unit: 3761

See Figures 1-3, 8 – 9A, column 6, lines 19-21, column 9, lines 67 column 10, line 47, column 11, lines 9-51, column 12, lines 23-50, column 17, lines 29-61, column 18, lines 10-26, column 21, line 9- - column 22, line 4 6, column 35, line 60 – column 44, line 2.

10. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Serbiak et al.

See Figure 7, column 2, lines 18-47, column 3, lines 16-25, column 3, line 40 – column 4, lines 10, column 6, lines 10-30, 43, et seq, column 7, lines 1-38 column 9, lines 19-19, 10, lines 15 et seq, column 11, lines 1-7, column 11, lines 36-63 column 11 lines 36-63, column 12, lines 25-27, i.e. first layer is 28, second layer is 22, bonding zones having circles; 40 greater in extensible first zone where outer cover and elastic not connected to core, and thereby to each other, than in hatched zone where are connected to core, and thereby each other, and than inextensible areas 46.

11. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Fahren Krag et al.

See Figures, claims 1, 5 , column 4, lines 17-25, 36 –40, column 5, line 34- - column 7, line 38, column 10, lines 33-61; column 12, line 1- column 13, line 16.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The other prior art also teaches multiple layer composites

13. The Examiner's regular work schedule is Monday-Thursday.

Any inquiry concerning this communication should be directed to Karin Reichle at telephone number (703) 308-2617.

Application/Control Number: 09/864,836

Page 5

Art Unit: 3761

K. Reichle:bhw

June 25, 2002

K.M. Reichle
Kern M. Reichle
Patent Examiner